

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
Mary B. Gardner vs Elliot L. Richardson, individually and as Secretary of the Department of Health, Education and Welfare, Washington, D. C.  and The United States of America		For plaintiff: Robert S. Rizley Crawford, Rizley & Prichard 1414 First National Bldg. Tulsa, Oklahoma 74103  For defendant: Nathan G. Graham Robert P. Santee					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 7-1-70 1-1-72	Clerk	6-26-70 7-2-70	Rizley CD 1	15 00	15 00		
J.S. 6 mailed 6-1-71 1-1-72	Marshal						
Basis of Action: Suit for S.S. Disability Benefits	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-26-70	Complaint for Social Security Disability Benefits, filed. Summons issued. m	
7-7-70	Return on summons, filed. Served Elliot L. Richardson by cert. mail, return receipt requested, at dept. of HEW, Wash., D. C., on 7-7-70. (Fees: \$3.00)m	
7-7-70	Return on summons, filed. Served Nathan Graham at Tulsa, Okla. & mailed 2 copies to Atty. Gen., Wash, D.C., & one copy to Elliot L. Richardson, Secy. of HEW, Wash. D. C. on 7-7-70. (Fees: \$3.00)m	
8-27-70	Deft's motion for enlargement of time within which to answer or otherwise plead, with brief in support, filed. m	
8-27-70	Order filed that the defendant have to and including Nov. 5, 1970 within which to answer or otherwise plead. (Allen E. Barrow-Judge) b	
10-19-70	Answer of Defendant. Filed. v	
11-23-70	Plaintiff's motion for summary judgment, filed. g	
11-23-70	Brief in support of plaintiff's motion for summary judgment, filed. g	
11-23-70	Defendant directed to file responsive brief within 10 days, filed. g	
12-3-70	Memorandum in support of motion for summary judgment, filed. ds	
12-29-70	Order filed that plaintiff is granted an extension of time until Feb. 1st, 1970, to file her answer to the defendants' memorandum in support of Motion for Summary Judgment filed. (AEB-J)h <i>copies mailed</i>	
1-29-71	Plaintiff's Memorandum in opposition to defendants' cross-motion for summary judgment filed. h	
5-17-71	Order Sustaining Plaintiff's Motion for Summary Judgment and Overruling Defendant's motion for summary judgment filed. <del>(AEB-J)</del> It is further ordered that plaintiff is eligible as a matter of law for Soc. Security disability benefits retroactive to 1-1-64 and FURTHER ordered that this cause be remanded to SEH, Elliott L. Richardson. (AEB-J)h <i>copies mailed</i>	
7-15-71	Notice of appeal by defendant, filed cpy to USCA & Rizley. g	
8-11-71	Motion to dismiss appeal of defendant, filed. ds	
8-16-71	Order filed, that Notice of Appeal filed on 7-15-71 be and is hereby dismissed. (AEB-J) Filed. r Filed and Entered. <i>copies mailed</i>	
9-16-71	Deft., Elliott L. Richardson, Sec. of HEW's Motion to amend order, with BRIEF in support of motion to amend order as a part of the pleading, filed. v	
9-16-71	Order by the Court that Pltf. is granted 10 days from this date to respond to Deft.'s Motion to Amend Order. (AEB-J) v	
9-21-71	Pltf's application to enlarge time to reply to defts' motion, with brief in support of application to enlarge time, filed. m	
9-27-71	Order, granting plaintiff an additional ten days within which to file responsive brief to defendants' motion to amend order, filed. ds <i>copies mailed</i>	
10-6-71	Opposition to Defendants' Motion to Amend order, filed. v	
10-18-71	Reply to pltf's opposition to motion to amend order, filed. m	
12-8-71	Ordered that the U.S. Magistrate conduct the hearing on the Defendant's Motion to Amend order of 5-17-71. (AEB-J)v	
12-8-71	Case called for hearing on Deft.'s Motion to amend order of 5-17-71. It is the recommendation of the U.S. Magistrate that the Defendant's Motion to Amend order of 5-17-71 be granted. The Defendant's Attorney is to prepare the necessary orders. (MLB-U.S.Mag.) (Millie Ballard-CSR)v	
12-20-71	Recommendation of United States Magistrate, filed. ds	
12-20-71	Order filed, that defendant's motion to amend Court's order of May 17, 1971 be granted. The court further finds that plaintiff is eligible as a matter of law for Social Security disability benefits retroactive to February 1968, 12 months prior to the date that plaintiff filed her application on February 4, 1969. (AEB-J) ds <i>copies mailed</i>	
4-21-72	Appl. of pltf. for order awarding attys. fees, filed. rm	

(continued)

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-27-72	Response to application for order awarding attorneys' fees, filed.	hm
6-14-72	Ordered that Magistrate conduct hearing on pltf's application for order awarding attorneys fees. (AEB-J)hm	
6-14-72	Hearing held on applic. for order awarding attorneys fees. Motion sustained in that the attorneys fees will be allowed in amt. of 25% of the total past due benefits to which the claimant is entitled by reason of prior findings & that said fee will be paid out of the amt. previously allowed & shall not be in addition to the amt. previously allowed by claimant. Pltf. counsel to prepare findings & recommendations within 5 days. (MLB-Mag)hm	
6-19-72	Findings and recommendations of magistrate, filed. (MLB-Mag)hm (copies mailed)	
7-5-72	Order that recommendations of Mag. are approved, that pltf's application for order awarding attorneys fees is sustained, that atty's fees shall be pd. out of past-due benefits recovered by pltf & total payment shall not exceed 1/4 of the \$5,772.90 awarded or \$1,443.22, filed. (AEB-J)hm (copies mailed)	

DATE	PROCEEDINGS	Date Order or Judgment Noted